

CHAPTER 174

H.B. No. 1596

AN ACT

relating to payment of costs relating to a mental health proceeding under the Texas Mental Health Code.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 571.018, Health and Safety Code, is amended by adding Subsection (h) to read as follows:

(h) The county may not require a person other than the patient to pay any costs associated with a hearing or proceeding under this subtitle, including a filing fee or other court costs imposed under Chapter 118, Local Government Code, Chapter 51, Government Code, or other law, unless the county first determines that:

(1) the costs relate to services provided or to be provided in a private mental hospital;
or

(2) the person charged with the costs is a person or estate liable for the patient's support in a department mental health facility.

SECTION 2. Section 118.055(c), Local Government Code, is amended to read as follows:

(c) The fee for an action involving mental health or chemical dependency services is for the services listed in Sections 571.016, 571.017, 571.018, and 574.008(c), Health and Safety Code, or services under Subchapter C or D, Chapter 462, Health and Safety Code. The fees shall be paid by the person executing the application for mental health or chemical dependency services and are due at the time the application is filed if [when] the services requested relate to services provided or to be provided in [are to] a private facility. If the services requested relate to services provided or to be provided in a mental health facility of the Texas Department of Mental Health and Mental Retardation or the federal government, the county clerk may collect the fees only in accordance with Section 571.018(h), Health and Safety Code.

SECTION 3. This Act applies to costs that become payable on or after the effective date of this Act. Costs that become payable before the effective date of this Act are governed by the law in effect when the costs became payable, and that law is continued in effect for that purpose.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 1, 1993, by a non-record vote; passed by the Senate on May 6, 1993: Yeas 31, Nays 0.

Approved May 17, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.